IN THE HIGH COURT OF JUDICATURE AT BOMBY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 35 OF 2007

Shri Mohan Dattaram Desai ....Petitioner.

V/s

The State of Maharashtra
and Ors. ....Respondents.

Mr. C.V. Pendse for the Petitioner.

Dr. D.R. Palankar for Respondent No.4.

Mr. S.P. Kanuga for Respondent No. 5.

CORAM: S.J. VAZIFDAR, J.
DATE : 24th January, 2007

P.C:

1. The impugned order warrants no interference. It is however clarified that my refusal to interfere with the order does not reflect on the merits of the Petitioner's case or on the case of Respondent No.5 at all. I say this in view of the fact that the learned Counsel appearing on behalf of the Federal Society has filed an affidavit, stating that, in fact, even after the matter was remanded pursuant to the order of this court dated 9th June, 2005, Federal Bank i.e. Respondent No.4 had been consulted and Respondent No.4 reiterated its

earlier stand and informed the Divisional Joint Registrar that the Bank has no objection if action is taken in the matter as per the provisions of law. It may be that this aspect escaped the notice of the learned Minister when he passed the impugned order. The learned Counsel for the petitioner states that the petitioner did not have the order during the hearing before the learned Minister and, therefore, was unable to draw his attention to the same.

2. Despite the same, in order to ensure that there is no further delay and with a view not to leave any scope for grievance on the part of Respondent No.5, the impugned order is not set aside. However, Divisional Joint Registrar shall pass an order in accordance with law but without being influenced by the order passed by the learned Minister. The Divisional Joint Registrar is directed to passed an order on or before 1st March, 2007.

3. Writ Petition is dismissed.